

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **CONFERENCE/FREE CONFERENCE COMMITTEE ON HOUSE BILL 592**

**Call to Order:** By **CHAIRMAN JIM ELLIOTT**, on April 19, 2005 at 3 P.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Jim Elliott, Chairman (D)  
Sen. Dan Harrington (D)  
Sen. Jerry Black (R)  
Rep. Karl Waitschies (R)  
Rep. John Ross (R)  
Rep. Gary Branae (D)  
Rep. Tom Facey (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Lee Heiman, Legislative Branch  
Laura Good, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: HB 592, 4/19/2005  
Executive Action:

The following exhibits were submitted prior to the meeting:

**EXHIBIT**(jhh84hb0592a01)

**SEN. JIM ELLIOTT, SD 7, TROUT CREEK,** called the meeting to order.

Members of the committee discussed amongst themselves House Bill 592's amendments and edits, unsure as to whether or not the draft provided included all necessary information.

***{Tape: 1; Side: A; Approx. Time Counter: 4.6 - 9.1}***

At the committee's request, **Mr. Lee Heiman, Legislative Fiscal Division (LFD)**, noted and explained HB 592's amendments and edits, confirming that the draft provided is complete and accurate.

**Motion:** REP. WAITSCHIES moved that THE COMMITTEE REMOVE SENATE AMENDMENTS FROM HB 592.

**Discussion:**

**REP. KARL WAITSCHIES, HD 36, PEERLESS,** provided a rationale for his motion.

**Mr. Heiman** offered LFD perspective countering REP. WAITSCHIES' motion.

***{Tape: 1; Side: A; Approx. Time Counter: 9.1 - 14.8}***

**Mr. Dan Bucks, Director, Montana Department of Revenue,** concurred with Mr. Heiman's characterization of the amendments.

**REP. WAITSCHIES** withdrew his motion without objection.

**Mr. Heiman** further discussed HB 592 amendments, and pointed out their line-by-line locations within Exhibit 1.

Prompted by REP. WAITSCHIES, **Mr. Heiman** explained the effect of deleting amendments seven, eight, nine, ten, eleven, and twelve from HB 592.

***{Tape: 1; Side: A; Approx. Time Counter: 14.8 - 16.4}***

Also prompted by REP. WAITSCHIES, **Mr. Bucks** explained the practical effect of technical amendments. He also surmised that Page 2, Item C, relates to trust taxes, and provided further departmental perspective on HB 592 amendments.

**Motion/Vote:** REP. WAITSCHIES moved that THE COMMITTEE ADOPT ALL AMENDMENTS, SEGREGATING AMENDMENTS SEVEN, EIGHT, NINE, TEN, ELEVEN, AND TWELVE. Motion carried unanimously by voice vote.

***{Tape: 1; Side: A; Approx. Time Counter: 16.4 - 23.9}***

**Motion:** REP. WAITSCHIES moved that THE COMMITTEE NOT CONCUR WITH AMENDMENTS SEVEN, EIGHT, NINE, TEN, ELEVEN, AND TWELVE.

**Discussion:**

Prompted by SEN. ELLIOTT and Mr. Heiman, Mr. Bucks brought forward the amendments that SEN. ELLIOTT would like to propose to the committee.

**EXHIBIT** (jhh84hb0592a02)

REP. WAITSCHIES stated that a 30% penalty is unfair. He expressed that the responsibility of the committee is not to better the HB 592 fiscal note, but to create fair taxation policies.

***{Tape: 1; Side: A; Approx. Time Counter: 23.9 - 28.8}***

REP. JOHN ROSS, HD 60, ABSAROCKE, offered a rationale for his support for REP. WAITSCHIES' motion.

**Vote:** Motion failed 3-4 by voice vote with SEN. BLACK, REP. WAITSCHIES, and REP. ROSS voting aye.

REP. FACEY suggested that SEN. ELLIOTT discuss his proposed amendments, which Mr. Heiman could then draft into formal amendments during the committee's recess for House and Senate floor proceedings.

SEN. ELLIOTT discussed his amendments, as outlined in Exhibit 2.

SEN. ELLIOTT announced that the committee would stand in recess until the adjournment of both houses.

***{Tape: 1; Side: B}***

SEN. ELLIOTT reconvened the conference committee as a free conference committee.

At SEN. ELLIOTT's request, Ms. Good took the roll a second time, noting that SEN. HARRINGTON is excused for this portion of the proceedings.

SEN. ELLIOTT provided the committee with the new amendments, as drafted by Mr. Heiman.

EXHIBIT(jhh84hb0592a03)

*{Tape: 1; Side: B; Approx. Time Counter: 0.6 - 2.1}*

**Motion/Vote:** SEN. ELLIOTT moved that AMENDMENTS AS NOTED IN HB059205.alh (Exhibit 3) BE ADOPTED. Motion carried unanimously by voice vote. SEN. HARRINGTON did not offer a vote.

**ADJOURNMENT**

Adjournment: 6 P.M.

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SEN. JIM ELLIOTT, Chairman

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LAURA GOOD, Secretary

JE/lg

Additional Exhibits:

**EXHIBIT ([jhh84hb0592aad0.TIF](#))**